

RESOLUTION NO. 16-214

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICE AGREEMENT
FOR SPECIAL LEGAL COUNSEL TO REPRESENT JOINT MEETING OF
MUNICIPALITIES IN THE MATTER OF THE PETITION OF JCP&L
PURSUANT TO N.J.S.A. 40:55D-19 FOR A DETERMINATION THAT THE
MONMOUTH COUNTY RELIABILITY PROJECT IS REASONABLY
NECESSARY FOR THE SERVICE, CONVENIENCE OR WELFARE OF THE
PUBLIC, BPU DOCKET NO. EO16080750**

WHEREAS, the Township of Middletown (“the Township”) and other governmental entities affected by JCP&L’s proposed transmission line project are forming a Joint Meeting pursuant to the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) for the purpose of intervening pursuant to N.J.S.A. 48:2-32.2 In the Matter of the Petition of JCP&L Pursuant to N.J.S.A. 40:55D-19 for a Determination that the Monmouth County Reliability Project is Reasonably Necessary for the Service, Convenience or Welfare of the Public, BPU Docket No. EO16080750 (“the Petition”); and

WHEREAS, it has been determined that special legal counsel is required for this purpose, and as the Lead Agency, the Township solicited proposals from various experienced legal counsel in the field of public utilities law who were capable of serving as special legal counsel in this above-referenced matter; and

WHEREAS, a responsive proposal was received from the law firm of Bevan, Mosca & Giuditta PC, which is highly qualified and capable of representing the Joint Meeting in this matter; and

WHEREAS, contracts for professional services are not subject to public bidding under the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)), but may be subject to the Fair and Open Process (N.J.S.A. 19:44A-20.5) for pay to play compliance purposes, which is unnecessary in this instance as this contract is not anticipated to exceed \$17,500 in value for the remainder of the calendar year in which it is being awarded; and

WHEREAS, it is anticipated that these professional services will be publicly advertised and bid pursuant to the Fair and Open Process in November 2016 for the 2017 calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the Mayor is hereby authorized and directed to execute a professional services agreement with the law firm of Bevan, Mosca & Giuditta PC, 222 Mount Airy Road, Suite 200,

Basking Ridge, New Jersey 07920 in an amount not to exceed \$17,500 for the term of the contract expiring on December 31, 2016.

BE IT FURTHER RESOLVED that the Township's Chief Financial Officer is authorized and directed to utilize funds deposited in the escrow account established for the Joint Meeting from which funds for this contract may be certified and paid from upon submission of invoices and purchase orders.

BE IT FURTHER RESOLVED that notice of this appointment shall be published by the Township Clerk in the Township's official newspaper.